

HOUSE BILL No. 1442

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-44.

Synopsis: Ethanol blended gasoline. Provides that after 2009 gasoline must contain at least 10% ethanol unless the gasoline is used in watercraft, airplanes, motor sports racing, off-road vehicles, registered antique vehicles, snowmobiles, or small engines. Specifies how gasoline sold for the exempted purposes must be stored, identified, and sold. Provides that it is a Class D infraction to impermissibly use gasoline that does not contain at least 10% ethanol. Provides that it is a Class C infraction to offer gasoline that does not contain at least 10% ethanol for sale to the public in violation of the new restrictions.

Effective: July 1, 2009.

Pearson

January 13, 2009, read first time and referred to Committee on Agriculture and Rural Development.

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First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1442

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-44-2-0.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2009]: **Sec. 0.5. As used in this chapter, "ethanol" means**
4 **agriculturally derived ethyl alcohol.**

5 SECTION 2. IC 16-44-2-8 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) The inspections
7 and tests made by the state department under this chapter shall be
8 conducted in accordance with the methods outlined by the American
9 Society for Testing and Materials.

10 (b) The inspections and tests as to gasoline, gasohol, and kerosene
11 must reflect the following minimum specifications necessary for the
12 approval of the product:

13 (1) Gasoline or gasohol:

14 (A) Corrosion Test – Method ASTM D-130. A clean copper
15 strip may not show more than extremely slight discoloration
16 when submerged in the gasoline for three (3) hours at one
17 hundred twenty-two (122) degrees Fahrenheit.



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(B) Distillation Range – Method ASTM D-86. When the thermometer reads one hundred sixty-seven (167) degrees Fahrenheit, not less than ten percent (10%) may be evaporated. When the thermometer reads two hundred eighty-four (284) degrees Fahrenheit, not less than fifty percent (50%) may be evaporated. When the thermometer reads three hundred ninety-two (392) degrees Fahrenheit, not less than ninety percent (90%) may be evaporated. The residue may not exceed two percent (2%). Percent evaporated is found by adding the distillation loss to the amount collected in the receiver at each specification temperature.

(C) Sulphur – Method ASTM D-1266 or D-2622. Sulphur may not exceed twenty-five hundredths of one percent (0.25%).

(D) Vapor Pressure – Method ASTM D-4953, ASTM D-5191, or any other ASTM method to determine vapor pressure approved by the United States Environmental Protection Agency. For gasoline, the Reid vapor pressure at one hundred (100) degrees Fahrenheit may not exceed the following:

- (i) Fifteen (15) pounds per square inch at the normal barometric pressure at the point of delivery during November, December, January, February, and March.
- (ii) Fourteen (14) pounds per square inch during April and October.
- (iii) Twelve (12) pounds per square inch during May, June, July, August, and September.

(E) For gasohol (a blend of gasoline and alcohol permitted under federal tax requirements), the vapor pressure may not exceed the following:

- (i) Sixteen (16) pounds per square inch during November, December, January, February, and March.
- (ii) Fifteen (15) pounds per square inch during April and October.
- (iii) Thirteen (13) pounds per square inch during May, June, July, August, and September.

(F) After July 23, 2004, gasoline may not contain more than one-half percent (0.5%) of MTBE by volume.

(G) After December 31, 2009, gasoline must contain at least ten percent (10%) ethanol by volume unless the gasoline is sold:

- (i) for a purpose permitted by section 8.5 of this chapter;**
- and**
- (ii) in the manner required by IC 16-44-3-8.5.**

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(2) Kerosene:

(A) Flash Test — Method ASTM D-56. Flash point may not be lower than one hundred (100) degrees Fahrenheit.

(B) For the purpose of this chapter, any petroleum product designated by name or reference as "kerosene" must meet the federal specifications for kerosene VV-K-211d in effect on March 1, 1977.

(c) **Except as provided by section 8.5 of this chapter**, gasoline, gasohol, and kerosene products that do not comply with the minimum specifications described in subsection (b) may not be sold, offered for sale, or used in Indiana.

(d) Petroleum products other than gasoline, gasohol, or kerosene shall be inspected and tested by the methods as are necessary to determine the contents and characteristics of the product.

(e) **For purposes of determining compliance with subsection (b)(1)(G), a gasoline/ethanol blend is considered to be in compliance if the ethanol content, exclusive of denaturants and permitted contaminants, comprises at least nine and two-tenths percent (9.2%) by volume but not more than ten percent (10%) by volume of the blend, as determined by an appropriate United States Environmental Protection Agency or American Society of Testing Materials standard method of analysis of alcohol or ether content in engine fuels.**

SECTION 3. IC 16-44-2-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 8.5. (a) Gasoline that does not contain the minimum ethanol content required by section 8(b)(1)(G) of this chapter may be used for only the following purposes:**

(1) For use in watercraft.

(2) For use in airplanes.

(3) For use in motor sport racing.

(4) For use in an antique vehicle registered under IC 9-18-12.

(5) For use in motorcycles.

(6) For use in off-road vehicles and snowmobiles.

(7) For use in small engines.

(b) **A person who violates this section commits a Class D infraction.**

SECTION 4. IC 16-44-3-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 8.5. (a) As used in this section, "noncompliant gasoline" refers to gasoline that is exempt from the minimum ethanol content required by IC 16-44-2-8(b)(1)(G) because the**

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gasoline will be sold for a purpose described in IC 16-44-2-8.5.

(b) This section applies only to the retail sale of noncompliant gasoline.

(c) Noncompliant gasoline sold for use in a watercraft may be sold and dispensed only at a marina. All metered pumps for the dispensing of the noncompliant gasoline must be posted with a permanent notice stating the information required by subsection (f).

(d) Noncompliant gasoline sold for use in an aircraft may be sold and dispensed only at an airport.

(e) Noncompliant gasoline sold for use in motor sport racing may be sold and dispensed only at a racetrack.

(f) A person who sells noncompliant gasoline for use in an antique vehicle, a motorcycle, an off-road vehicle, a snowmobile, or a small engine may install only one (1) storage tank for storing the noncompliant gasoline on the premises of the person's motor fuel outlet. All metered pumps for the dispensing of the noncompliant gasoline must be posted with a permanent notice stating the following:

"GASOLINE CONTAINS LESS THAN 10% ETHANOL. FOR USE IN REGISTERED ANTIQUE VEHICLES, OFF-ROAD VEHICLES, MOTORCYCLES, SNOWMOBILES, WATERCRAFT, AND SMALL ENGINES ONLY. THE IMPERMISSIBLE USE OF THIS GASOLINE IS A CLASS D INFRACTION."

(g) The notice required by subsection (f) must be posted at least two (2) feet above the ground.

(h) A person operating a motor fuel outlet that sells noncompliant gasoline must register the tank storing the noncompliant gasoline with the state department in the manner prescribed by the state department. The amount of noncompliant gasoline sold by the motor fuel outlet must be reported annually to the state department.

(i) Noncompliant gasoline purchased for use in a small engine must be dispensed into a container with a capacity of not more than six (6) gallons.

(j) A person who offers noncompliant gasoline for sale to the public in violation of this section commits a Class C infraction.

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